

‘specific fact allegations of ongoing serious physical injury, or of a pattern of misconduct evidencing the likelihood of imminent serious physical injury.’” *Id.* (quoting *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003)).

Holloman’s pleadings do not contain any allegations that would support a finding that he is in imminent danger of serious physical injury. Although his original complaint alleged that he was “preyed upon” and subjected to “reckless endangerment” at various Virginia Department of Corrections facilities over a multi-year period, Compl, ECF No. 4–14, such vague allegations are insufficient to show that he was in imminent danger at the time he filed the initial complaint. Likewise, Holloman’s amended complaint, which names more than sixty prison officials as defendants, does not include any allegations that would satisfy the imminent-danger exception. Instead, he merely alleges in a conclusory fashion that “repetitive breaches of substantive due process” occurred from “2008–2023,” and he summarily refers to “continuing breaches of family disturbance, criminal negligence, [and] contributory negligence.” Am. Compl., ECF No. 8, at 5.

Because Holloman has not prepaid the filing fee or alleged specific facts establishing that he “is under imminent danger of serious physical injury,” the court will dismiss this action without prejudice under 28 U.S.C. § 1915(g).² An appropriate order will be entered.

² Even if Holloman had satisfied the requirements of § 1915(g), his amended complaint would be subject to dismissal under 28 U.S.C. § 1915A(b)(1) for failure to state a claim against the named defendants. See *Ashcroft v. Iqbal*, 556 U.S. 662, 676–78 (2009) (explaining that “a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution,” and that a complaint must contain more than “labels and conclusions” or “naked assertions devoid of further factual enhancement”) (internal quotation marks, brackets, and citation omitted).

Entered: January 8, 2024

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal stroke extending to the right.

Michael F. Urbanski
Chief U.S. District Judge
2024.01.08 12:47:00
-05'00'

Michael F. Urbanski
Chief United States District Judge